

## SENATE BILL No. 533

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2-38.3; IC 13-18.

**Synopsis:** Confined feeding operations. Establishes National Pollutant Discharge Elimination System permit procedures for concentrated animal feeding operations.

**Effective:** Upon passage.

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**Jackman**

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January 23, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 533

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 13-11-2-38.3 IS ADDED TO THE INDIANA  
2       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3       [EFFECTIVE UPON PASSAGE]: **Sec. 38.3. "Concentrated animal**  
4       **feeding operation", for purposes of IC 13-18-10, IC 13-18-19, and**  
5       **IC 13-18-20, has the meaning set forth in 40 CFR 122.23.**

6       SECTION 2. IC 13-18-10-1 IS AMENDED TO READ AS  
7       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a) Except as**  
8       **provided in subsection (b),** a person may not start construction of a  
9       confined feeding operation without obtaining the prior approval of the  
10      department.

11      **(b) Subsection (a) does not apply to a person that:**

12          **(1) becomes subject to an NPDES general permit; or**

13          **(2) obtains an individual NPDES permit;**

14      **under IC 13-18-19-3 with respect to a confined feeding operation**  
15      **that is a concentrated animal feeding operation.**

16      **(c) A person that:**

17          **(1) received the approval required under subsection (a); and**



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(2) complies with IC 13-18-19-3;  
 may elect to discontinue operation of the confined feeding operation under the requirements of the approval by filing a notice of election with the department.

SECTION 3. IC 13-18-19-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A person may become subject to an NPDES general permit for:

(1) a concentrated animal feeding operation the person intends to construct; or  
 (2) an existing concentrated animal feeding operation;  
 by filing with the department, under rules of the board, a notice of intent to be subject to an NPDES general permit.

(b) A notice of intent filed under subsection (a) must:

(1) certify that the concentrated animal feeding operation follows or will follow performance standards set forth in 327 IAC 16-3-1 (as in effect on January 1, 2003); and  
 (2) include a manure management plan for the operation that complies with 327 IAC 16-7-11 (as in effect on January 1, 2003).

(c) Subject to subsection (d), a person remains subject to an NPDES general permit for a concentrated animal feeding operation until the earliest of:

(1) the date on which the person discontinues the operation;  
 (2) the date on which the person substantially modifies the operation; or  
 (3) the date five (5) years after the date on which the notice of intent was filed under subsection (a).

(d) A person remains subject to an NPDES general permit for a concentrated animal feeding operation after the date indicated in subdivision (c)(2) or (c)(3) if, before that date, the person files another notice of intent with the department under rules of the board. A notice of intent filed under this subsection must comply with subsection (b).

(e) If the department determines that a discharge from a concentrated animal feeding operation to waters occurred during the five (5) years that immediately precede the date of filing of the notice of intent under subsection (a) or (d), the department may determine that the person that files the notice of intent:

(1) is not subject to an NPDES general permit for the concentrated animal feeding operation; and  
 (2) must apply for an individual NPDES permit for the

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operation.

(f) A determination by the department under subsection (e) that an individual permit is required is appealable under IC 4-21.5.

(g) If:

(1) a person applies for and receives an individual NPDES permit under subsection (e); and

(2) no discharge to waters from the concentrated animal feeding operation occurs during the five (5) years immediately following the issuance of the permit referred to in subdivision

(1);

the person may become subject to an NPDES general permit for the operation by filing a notice of intent under subsection (a).

(h) If a person files a timely and complete application for an individual NPDES permit under subsection (e), the application is considered approved by the department:

(1) beginning on the date the department determines under subsection (e) that the person must apply for an individual permit; and

(2) ending on the date the department acts on the application for the individual permit.

SECTION 4. IC 13-18-20-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. For NPDES general permits under IC 13-18-19-3 for concentrated animal feeding operations, a fee of one hundred dollars (\$100) shall be submitted with a notice of intent.**

SECTION 5. IC 13-18-20-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 12. (a) Except as provided in subsection (c), when a person files an application with the department concerning a NPDES permit, including:**

(1) an application for an initial permit;

(2) the renewal of a permit;

(3) the modification of a permit; or

(4) a variance from a permit;

the person must remit an application fee of fifty dollars (\$50) to the department.

(b) If a person does not remit an application fee to the department, the department shall deny the person's application.

(c) **When a person files an application with the department concerning an NPDES permit under IC 13-18-19-3(e), including:**

(1) an application for an initial permit;

(2) the renewal of a permit;



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- 1           **(3) the modification of a permit; or**
- 2           **(4) a variance from a permit;**
- 3       **the person must remit an application fee of one hundred dollars**
- 4       **(\$100) to the department.**
- 5           **SECTION 6. An emergency is declared for this act.**

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